

1 3993 Howard Hughes Parkway, Suite 600
 2 Las Vegas, NV 89169-5996
 3 Facsimile (702) 949-8321
 4 Telephone (702) 949-8320

5 Rob Charles NV State Bar No. 006593
 6 Email: rcharles@lrlaw.com
 7 John Hinderaker AZ State Bar No. 018024
 8 Email: jhinderaker@lrlaw.com

9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
 11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE
 14 COMPANY,

15 USA CAPITAL REALTY ADVISORS,
 16 LLC,¹

17 USA CAPITAL DIVERSIFIED TRUST
 18 DEED FUND, LLC,

19 USA CAPITAL FIRST TRUST DEED
 20 FUND, LLC,²

21 USA SECURITIES, LLC,³ Debtors.

22 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

22 Case No. BK-S-06-10725-LBR¹
 23 Case No. BK-S-06-10726-LBR¹
 24 Case No. BK-S-06-10727-LBR²
 25 Case No. BK-S-06-10728-LBR²
 26 Case No. BK-S-06-10729-LBR³

27 **CHAPTER 11**

28 Jointly Administered Under Case No.
 29 BK-S-06-10725 LBR

30 **NOTICE OF HEARING REGARDING
 31 THIRD OMNIBUS OBJECTION OF
 32 USACM LIQUIDATING TRUST TO
 33 DUPLICATE PROOFS OF CLAIM;
 34 AND CERTIFICATE OF SERVICE**

35 Date of Hearing: February 20, 2009
 36 Time of Hearing: 9:30 a.m.

37 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
 38 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR
 39 CLAIM TO THE EXTENT IT IS A DUPLICATE OF ANOTHER CLAIM THAT**

40 ¹ This bankruptcy case was closed on September 23, 2008.

41 ² This bankruptcy case was closed on October 12, 2007.

42 ³ This bankruptcy case was closed on December 21, 2007.



1 **WAS FILED. THIS OBJECTION ONLY SEEKS TO ELIMINATE**
2 **DUPLICATION AND THUS WILL NOT IMPACT THE SURVIVING CLAIM.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
6 **SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING**
7 **GROUP, LLC ((602) 424-7009) OR THE UNDERSIGNED COUNSEL.**

8 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its
9 Third Omnibus Objection to Duplicate Proofs of Claim (the "Objection"). Your Proof of
10 Claim number and other information regarding your claim is provided in **Exhibit A**,
11 attached. The USACM Liquidating Trust has requested that this Court enter an order,
12 pursuant to Bankruptcy Code § 502 and Bankruptcy Rule 3007, disallowing the duplicate
13 Proof of Claim. The Objection will not impact the surviving claim.

14 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
15 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
16 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
17 **February 20, 2009, at the hour of 9:30 a.m.**

18 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
19 **FEBRUARY 20, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**
20 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
21 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

22 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
23 by **February 13, 2009**, pursuant to Local Rule 3007(b), which states:

24 If an objection to a claim is opposed, a written response must be filed and
25 served on the objecting party at least 5 business days before the scheduled
26 hearing. A response is deemed sufficient if it states that written
 documentation in support of the proof of claim has already been provided to



1 the objecting party and that the documentation will be provided at any
2 evidentiary hearing or trial on the matter.

3 If you object to the relief requested, you *must* file a **WRITTEN** response to this
4 pleading with the Court. You *must* also serve your written response on the person who
5 sent you this notice.

6 If you do not file a written response with the Court, or if you do not serve your
7 written response on the person who sent you this notice, then:

8

- 9 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 10 • The Court may *rule against you* and sustain the objection without formally
calling the matter at the hearing.

11 Dated: January 15, 2009.

12 LEWIS AND ROCA LLP

13 By /s/ John Hinderaker (#18024)
14 Rob Charles, NV 6593
15 John C. Hinderaker, AZ 18024 (*pro hac vice*)
16 3993 Howard Hughes Parkway, Suite 600
17 Las Vegas, Nevada 89169
18 Telephone: (702) 949-8320
Facsimile: (702) 949-8321
E-mail: rcharles@lrlaw.com
19 *Attorneys for the USACM Liquidating Trust*

20 Copy of the foregoing and pertinent
portion of Exhibit A mailed by first
class postage prepaid U.S. Mail on
January 15, 2009 to:

21 Parties listed on Exhibit A attached.

22 LEWIS AND ROCA LLP

23 /s/ Carrie Lawrence
24 Carrie Lawrence